REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 4, 5, 9, 10 and 13 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-13 remain pending in this application.

Specification

The title of the invention was objected to for not being descriptive. Applicant has amended the title to more clearly describe the invention.

The Examiner objected to the disclosure as allegedly failing to provide support for enablement. Applicant respectfully disagrees.

The Examiner's attention is directed to the originally filed specification at page 5, lines 3-8 and page 6, lines 4-17. These portions of the specification describe the various features recited in claims 1, 5 and 10 and discuss user restrictions as programmed within the datastore. Thus, the originally filed specification provides sufficient support for enablement purposes.

Rejections under 35 U.S.C. § 112

Claims 1, 5 and 10 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description and enablement requirements. As noted above, support for the various features of the pending claims may be found in the originally filed specification and drawings at, for example, page 5, lines 3-8 and page 6, lines 4-17. Accordingly, the rejection under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Rejections under 35 U.S.C. 103

Claims 1-13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Publication Number 20020120696 to Mousseau *et al.* ("Mousseau") in view of U.S. Publication Number 20020099719 to Schwitters *et al.* ("Schwitters"). Applicant respectfully traverses this rejection for at least the following reasons.

Embodiments of the present invention provide automatic synchronization between client and server devices dependent on file modifications made on either device prior to connection of the two devices. Once connected, the devices synchronize between a shared folder which is made available on both devices and holds various data types. Each file includes a unique identifier and may be directly located within the shared folder or linked into the shared folder prior to synchronization. Further, additional subfolders may not be created on either device within the shared folder in order for proper synchronization to occur. Accordingly, independent claim 1 recites "the client device and the server device are arranged such that a user of the devices cannot create subfolders within the first or second folders...." Independent claims 5 and 10 each recite similar features.

None of the cited references teaches or suggests at least this feature of the claimed invention. As acknowledged by the Examiner, Mossseau fails to teach or suggest "the client device and the server device being arranged such that a user ... cannot create subfolders ...." Office Action dated August 6, 2008, pages 4-5. Instead, the Examiner cites Schwitters as allegedly disclosing this feature. Applicant respectfully disagrees with the Examiner's interpretation of the disclosure of Schwitters as applied to the pending claims.

Schwitters discloses a method of creating a folder hierarchy within a database. The system searches for available folder IDs within a system and, based on default or non-default structure, assigns an available ID for the folder and the parent folder while also naming the folder created. By contrast, embodiments of the present invention provide exactly two folders, one on each device, which contain data items for synchronization upon connection. As recited in the pending claims, no hierarchy is created because no subfolders are permitted by the user.

The Examiner specifically cites paragraph [0049] of Schwitters as disclosing features recited within the present claims. Applicant respectfully disagrees with this interpretation of the disclosure of Schwitters. Specifically, Schwitters discloses that "embodiments might include code in the folder store module 414 that places limits on the number of folders the a user can create and the structure of folders that a user can create." Schwitters, paragraph [0049]. Accordingly, Schwitters discloses that limiting/controling may be implemented; however, complete prevention of creating folders within the database is neither taught nor suggested. Further, such a restriction would be counterproductive to the hierarchical method disclosed by Schwitters. Thus, Schwitters fails to teach or suggest the above-noted feature of the pending claims.

Since none of the cited references, either alone or in combination, teach or suggest each feature of the pending claims, the Office Action fails to establish a *prima facie* case of obviousness. Therefore, independent claims 1, 5 and 10 are patentable.

Claims 2-4, 6-9 and 11-13 each depend from one of allowable claims 1, 5 or 10 and are, therefore, patentable for at least that reason, as well as for other patentable features when those claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date <u>6 February 2009</u>   By   /G. Peter Albert, Jr./

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